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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/354,608	07/16/1999	YASUHIRO YAMANAKA	SONYJP-3.0-0	5368

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EXAMINER

HUSEMAN, MARIANNE

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 01/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/354,608

Applicant(s)

YAMANAKA, YASUHIRO

Examiner

Marianne Huseman

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 1999.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 2, 3, 7, 11, 12, 20 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 2, 3, 11, 12, 20 and 21 It is not clear as to what is being claimed with regard to "a distribution-service-identifying-information database"; i.e., what exactly is contained in "a distribution-service-identifying-information database" and/or what is "distribution-service-identifying-information". Also, it is respectfully requested that Applicant point out where in the specification this information/database is defined/disclosed (other than in the summary).

In claim 7, it is not clear as to whom the contents are distributed; i.e., is the customer receiving enciphered content or is the supplier, to the customer, receiving the enciphered contents?

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1, 4 – 7, 9, 10, 13 – 16, 18, 19, 22 – 25 and 27 are rejected under 35 U.S.C. 102(a) as being anticipated by Stefik.

Regarding claims 1, 10 and 19: Stefik, figure 1, discloses a data distribution system comprising:

- a distribution side, repository 1;
- a receiving side, repository 2;

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- copyright information storage means, element 102, column 7, lines 19 - 21;

and

- receiving means for receiving received-contents-specifying information and copyright management means, element 105, column 7, lines 34 – 41.

Regarding claims 4, 5, 13, 14, 22 and 23: Stefik discloses:

- a customer management center, element 108.

Regarding claims 6, 15 and 24: Stefik discloses:

- receiving customer information, column 29, lines 44 - 58.

Regarding claims 7, 16 and 25: Stefik discloses:

- encrypting the content, columns 26 and 27, lines 62 – 67 and 1 – 31,

respectively.

Regarding claims 9, 18 and 27: Stefik discloses:

- digital works that may be audio recordings, column 6, lines 50 – 53.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 8, 17 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stefik in view of Sprague et al.

While Stefik does not specifically disclose using satellite broadcasting transmission path, Sprague et al. teach an information distribution system, wherein digital data, encrypted, is transmitted via satellite broadcast. Therefore, it is considered that it would have been obvious to one of ordinary skill in the art to utilize a satellite broadcast transmission path, as taught by Sprague et al. in order to take advantage of one more mechanism for distributing information to users.

8. Claims 2, 3, 11, 12, 20 and 21 have not been considered on their merits as it is not clear to the Examiner what is being claimed. See paragraphs 2 and 3, above.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Saito discloses a data management system for copyright material. Yasukawa et al. discloses a system for protecting digital works utilizing a key distribution center. Nuttall discloses a copyright distribution system utilizing satellite broadcasting.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne Huseman whose telephone number is 703-605-4277. The examiner can normally be reached on Monday - Friday, 6:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

11. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9700.



Marianne Huseman
Examiner
Art Unit 2161

mh
December 31, 2001

